

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIAM CLARK,

Plaintiff,

v.

GREGORY COX, et al.,

Defendants.

Case No. 2:12-cv-01265-MMD-RJJ

ORDER

Plaintiff, a Nevada state inmate, has filed an application (dkt. no. 1) to proceed *in forma pauperis* seeking to initiate a civil rights action.

The papers presented are subject to multiple defects.

First, plaintiff has not submitted a proper application to proceed *in forma pauperis*. Under 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1 and 1-2, a plaintiff must submit an application on the Court's required form. The application was submitted on a superceded form. The current required form was revised effective July 21, 2008. The Court will direct the Clerk to provide plaintiff copies of the current form so that he may file a proper application.

Second, plaintiff did not use the Court's complaint form as required by Local Rule LSR 2-1. Plaintiff used the first three pages of the form as a cover for a complaint that otherwise was entirely written on lined paper rather than on the complaint form. Plaintiff must use the entirety of the complaint form for his complaint.

1 Third, plaintiff did not comply with the instructions for the form regarding length.
2 The instructions limit a plaintiff to two additional pages. If a plaintiff needs to use more
3 than two pages, he must file a motion for leave to file a longer than normal complaint.
4 *Instructions*, at 1 & 6. Plaintiff used over twenty additional pages of allegations over and
5 above the partial form that he used, without filing a motion for leave.

6 Fourth, the specific allegations of actual fact supporting each count in the
7 complaint must be stated within each count. *Instructions*, at 6. Plaintiff instead presented
8 fourteen pages of general factual allegations and then made only conclusory allegations
9 in the counts. Plaintiff may incorporate allegations from a prior count in a later count by
10 reference, but he otherwise must allege all of the supporting facts applicable to each
11 count within the count.¹ A dismissal without prejudice of the present action potentially
12 could affect the analysis of the timeliness of certain claims presented herein in a new
13 action. The Court accordingly will afford plaintiff an opportunity to correct the above
14 deficiencies in the present action.

15 IT IS THEREFORE ORDERED that the application (dkt. no. 1) to proceed *in forma*
16 *pauperis* is DENIED without prejudice.

17 IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from entry of
18 this order to mail to the Clerk of Court for filing: (a) a new pauper application on the
19 required form with all required, and new, financial attachments; and (b) a new complaint
20 filed on the proper form that complies with all instructions for the form. The action will be
21 dismissed without further advance notice if plaintiff does not timely correct the
22 deficiencies identified herein.


23 ///

24 ///

26 ¹The complaint form provides space under Part B to state the “Nature of the Case”
27 prior to the space provided for the counts. In Part B, however, the plaintiff should provide
28 only a brief general overview of the factual basis for the action. Under the instructions,
“[t]his is not the place to provide detailed information about what each defendant did to
violate your rights – that should be done in” the counts. *Instructions*, at 6.

1 The Clerk shall send plaintiff two copies each of an *in forma pauperis* application
2 form for a prisoner and a § 1983 complaint form, one copy of the instructions for each
3 form, and one copy of the papers that plaintiff submitted in this action.

4 DATED THIS 17th day of December 2012.

5
6 
7 _____
8 MIRANDA M. DU
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28